

PETITION NO. 770

Company and The United Illuminating Company application }
For a Certificate of Environmental Compatibility and Public }
Need for the Construction of a New 345-kV Electric }
Transmission Line and Associated Facilities Between Scovill }
Rock Switching Station in Middletown and Norwalk }
Substation in Norwalk, Connecticut Including the }
Reconstruction of Portions of Existing 115-kV and 345-kV }
Electric Transmission Lines, the Construction of the Beseck }
Switching Station in Wallingford, East Devon Substation in }
Milford, and Singer Substation in Bridgeport, Modifications }
and the Reconfiguration of Certain Interconnections. }

May 17, 2006

APPLICATION TO INTERVENE AND BE DESIGNATED AS PARTIES <u>AND PETITION FOR DECLARATORY RULINGS</u>

The following individual hereby petition to intervene in this proceeding as parties, and will be represented by one counsel, Barry Zitser, Esq., and participate in this proceeding collectively through said counsel. See attached Appearance. Petitioners also seek a declaratory ruling, as more particularly addressed below. Petitioners are all residents of the Royal Oak neighborhood in Middletown, and may collectively be referred to as the Middletown Royal Oak Residents. Further petitioners may join them in the future. Although they believe that they have a direct, specific, and substantial interest that qualifies for party status, in the event that party status is not permitted, petitioners hereby seek intervenor status, and full rights of participation in this proceeding. In support of this application, petitioner represent, as follows:

NAMES AND ADDRESSES

Allan Johanson 217 Acorn Drive Middletown, CT 06457

Calvin Nakatsaka 162 Acorn Drive Middletown, CT 06457 Pat Tucker 180 Acorn Drive Middletown, CT 06457

Greg Horn 220 Acorn Drive Middletown, CT 06457

Carmen Rivera 242 Acorn Drive Middletown, CT 06457

Stewart Bohan 255 Acorn Drive Middletown, CT 06457

NATURE OF INTEREST

Petitioners, with the exception of Mr. Bohan, are property owners and homeowners, in the properties designated on the attached map. Mr. Bohan is a resident in a home and property owned by his wife. The original map highlights the properties in green, and they will appear as grey on the copies. All petitioners reside in the highlighted properties. Four of the properties listed herein are directly contiguous to the proposed Royal Oak Bypass, contained on the Development and Management ("D&M") Plan filed by The Connecticut Light and Power Company ("CL&P") on or about May 12, 2006, and the remaining petitioners are located within a short distance of the proposed Bypass. See following section entitled Reasons For Late Intervention. Petitioners' property interests and/or quality of life would be substantially and adversely affected by the proposed Bypass. Petitioners claim that they should have party status by virtue of either being owners of property which abut the proposed Bypass, as set forth in Section 16-50*l* of the Connecticut General Statutes ("C.G.S."), and/or are persons or property owners where the location of the proposed Bypass would pose an undue hazard, as set forth in Section 16-50p(E), C.G.S.

REASONS FOR LATE INTERVENTION

The initial application in this proceeding located the proposed transmission line in an area that was not adjoining the petitioners' properties, and would not unduly impact on their properties and quality of life. The Royal Oak Bypass proposal, set forth on maps by CL&P,

and as approved by the Connecticut Siting Council, would also not unduly impact on petitioners' properties and quality of life. Thus, there was no reason for the petitioners to believe that they had a compelling interest to intervene in this proceeding, until the filing of a Bypass proposal by CL&P that was not in accordance with the Findings of Fact and Decision and Order of the Connecticut Siting Council. See following Section, entitled Claims Of Petitioners. Thus, petitioners were deprived of any notice of any threat to their properties, homes or lives until the filing of the D&M Plan on or about May 12, 2006. It would be unjust and unreasonable, and a violation of the due process, statutory, and notice rights of the petitioners to deny them an opportunity to participate in this proceeding under these circumstances.

CLAIMS OF PETITIONER

- 1. The proposed Royal Oak Bypass, filed by CL&P in its D&M Plan is not in accordance with the Findings of Fact and Decision and Order of the Connecticut Siting Council, nor is it consistent with the maps setting forth this Bypass, which were submitted by CL&P, and upon which the Connecticut Siting Council relied upon in its Findings of Fact and Decision and Orders of the Connecticut Siting Council, and petitioners seek a declaratory ruling to this effect, pursuant to Section 4-176, C.G.S..
- 2. The proposed Royal Oak Bypass, filed by CL&P in its D&M Plan would have the same adverse impacts on the properties and quality of life of the petitioners that the Connecticut Siting Council sought to avoid for the Royal Oak property owner and residents along the Durham/Middletown border in the initial application by CL&P.
- 3. The proposed Royal Oak Bypass, filed by CL&P in its D&M Plan would pose an undue hardship to petitioner, in violation of Section 16-50p, C.G.S.
- 4. CL&P did not provide the petitioners with any, and/or sufficient, notice of this proposed Royal Oak Bypass, in violation of Section 16-50*l*, C.G.S.
- 5. The proposed Royal Oak Bypass, filed by CL&P in its D&M Plan should be denied, and found to be not in compliance with the Connecticut Siting Council's Findings of Fact and Decision and Order in this Docket.
- 6. CL&P should be ordered to pursue the original Royal Oak Bypass, as set forth in the maps submitted to this Council, upon which the Council relied in its Findings of Fact and Decision and Order, and which Bypass was located further north, at a lower elevation, and with a greater buffer/protective zone between the transmission line and petitioners' properties.

RELIEF REQUESTED

- 1. Petitioners respectfully request the Connecticut Council to grant the relief, set forth in Paragraphs 1 and 6 of their Claims.
- 2. Petitioners seek a declaratory ruling, pursuant to Section 4-176, C.G.S., that the Royal Oak Bypass Plan, filed by CL&P in its D&M Plan is not in accordance with the Royal Oak Bypass Plan ordered by the Connecticut Siting Council in its Decision and Order in Docket No. 272.
- 3. Petitioners also seek a declaratory ruling, pursuant to Section 4-176, C.G.S., that the Royal Oak Bypass Plan submitted by CL&P in its D&M Plan violates the Decision and Order of the Connecticut Siting Council.
- 4. Petitioners also seek a declaratory ruling, pursuant to Section 4-176, C.G.S., that the Royal Oak Bypass Plan submitted by CL&P in its D&M Plan does not sufficiently meet the environmental, legal, safety, heath, and other concerns, set forth in Section 16-50p, C.G.S., to warrant granting of a certificate to proceed with the construction of the proposed Royal Oak Bypass Plan, as set forth in the D&M Plan.

MANNER OF PARTICIPATION

Petitioners request permission fully to participate in all future aspects of this proceeding, including but not limited to any proceedings conducted in accordance with the instant petition for declaratory rulings. If the Connecticut Siting Council does not summarily reject the Royal Oak Bypass Plan, set forth on the D&M Plan, petitioners request a hearing to put on evidence in support of their claims.

By:

PETITIONERS,

Barry Zitser

Perakos & Zitser, P.C. 44 Capitol Ave. STE 302

Hartford, CT 06106-1706 Telephone: (860) 560-0550

Facsimile: (860) 724-0805

Email: <u>bzitser@perakos-zitser.com</u> Duly Authorized Representative

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Company and The United Illuminating Company application }
For a Certificate of Environmental Compatibility and Public }
Need for the Construction of a New 345-kV Electric }
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Milford, and Singer Substation in Bridgeport, Modifications }
at Scovill Rock Switching Station and Norwalk Substation }
and the Reconfiguration of Certain Interconnections.

Connecticut Siting Council

May 17, 2006

APPEARANCE

Please accept this as the Appearance of Barry S. Zitser on behalf of the following petitioners for intervention: Allan Johanson, Calvin Nakatsaka, Pat Tucker, Greg Horn, Carmen Rivera, and Stewart Bohan.

All communications regarding this matter should be forwarded to:

Attorney Barry Zitser Perakos & Zitser, P.C. 44 Capitol Ave. STE 302 Hartford, CT 06106-1706 Telephone: (860) 560-0550

Facsimile: (860) 724-0805

Email: <u>bzitser@perakos-zitser.com</u>

Very truly yours,

Barry S. Zitser

Cc. Service List

CERTIFICATION OF SERVICE

This is to certify that a copy of the foregoing, was mailed postage prepaid this 17th day of May, 2006, to all persons on the service list of this docket, a copy of which is attached hereto.

Barry S. *Zi*tser

Commissioner of the Superior Court

LIST OF PARTIES AND INTERVENORS SERVICE LIST

	SERVICE LIST		
G. 1 . C 1	Status Holder (name, address & phone number)	Representative (name, address & phone number)	
Status Granted	(name, address & phone number)	(name, address & phone number)	
Applicant	The Connecticut Light and Power Company	Anthony M. Fitzgerald, Esq. Brian T. Henebry, Esq. Carmody & Torrance LLP 50 Leavenworth St., P.O. Box 1110 Waterbury, CT 06721-1110 (203) 573-1200 (203) 575-2600 - fax afitzgerald@carmodylaw.com bhenebry@carmodylaw.com tranmn345docket272@nu.com	
Applicant	The United Illuminating Company	Linda L. Randell, Esq. Bruce L. McDermott, Esq. Wiggin & Dana LLP One Century Tower New Haven, CT 06508-1832 (203) 498-4322 (203) 782-2889 - fax lrandell@wiggin.com bmcdermott@wiggin.com	
Intervenor (granted 11/20/03)	Norwalk Association of Silvermine Homeowners ~STATUS WITHDRAWN 03/26/04~	Norwalk Association of Silvermine Homeowners c/o Leigh Grant 99 Comstock Hill Road Norwalk, CT 06850 (203) 846-4577 (203) 846-4577 - fax cartellino@aol.com	
Party (granted 11/20/03)	Honorable Robert W. Megna State Representative - 97 th District 40 Foxon Hill Road, #54 New Haven, CT 06513 (860) 240-8585 1-800-842-8267 Robert.Megna@po.state.ct.us		

Γ	Status Holder	Representative
Status Granted	(name, address & phone number)	(name, address & phone number)
Intervenor (granted 11/20/03)	Honorable Al Adinolfi State Representative 103 rd District 23.5 Sorghum Mill Drive Cheshire, Connecticut 06410 (203) 272-9701 - Home 1-800-842-1423 - Capitol (860) 240-0207 - fax Alfred.adinolfi@housegop.state.ct.us	
Party (granted 11/20/03)	Town of Middlefield	Eric Knapp, Esq. Branse & Willis, LLC 41-C New LondonTurnpike Glen Lochen East Glastonbury, CT 06033-2038 (860) 659-3735 (860) 659-9368 – fax eknapp@bransewillis.com
Party (granted 11/20/03)	Town of Milford	Julie Donaldson Kohler, Esq. Hurwitz & Sagarin, LLC 147 North Broad St. Milford, CT 06460 (203) 877-8000 (203) 878-9800 - fax jdk@hurwitz-sagarin.com
Party (granted 11/20/03)	Town of Wallingford	Peter G. Boucher, Esq. Halloran & Sage, LLP 225 Asylum Street Hartford, CT 06103 (860) 297-4650 (860) 548-0006 fax boucher@halloran-sage.com

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Status Granted	Status Holder (name, address & phone number)	Representative (name, address & phone number)
Party (granted 11/20/03)	Town of Wallingford continued	Janis M. Small, Esq. Town Attorney Wallingford Town Hall 45 South Main St. Wallingford, CT 06492 (203) 294-2140 (203) 294-2112 – fax wlfdlaw@sbcglobal.net
Party (granted 11/20/03)	Town of Durham	Peter G. Boucher, Esq. Halloran & Sage, LLP 225 Asylum Street Hartford, CT 06103 (860) 297-4650 (860) 548-0006 fax boucher@halloran-sage.com
		Maryann Boord First Selectwoman Durham Town Hall 30 Townhouse Rd. Durham, CT 06422 (860) 349-3625 (860) 349- 8391 – fax mboord@townofdurhamct.org
Party (granted 11/20/03)	City of Norwalk	Louis S. Ciccarello Corporation Counsel P.O. Box 798 Norwalk, CT 06856-0798 (203) 854-7750 (203) 854-7901 fax lciccarello@norwalkct.org
Party (granted 11/20/03)	Town of Westport	Town of Westport c/o Ira W. Bloom, Esq. 27 Imperial Avenue Westport, CT 06880 (203) 227-9545 (203) 227-2443 - fax ibloom@wsdb.com ecederbaum@wsdb.com

Status Granted	Status Holder (name, address & phone number)	Representative (name, address & phone number)
Intervenor (granted 11/20/03)	Honorable Mary G. Fritz State Representative - 90 th District 43 Grove Street Yalesville, CT 06492 (203) 289-1169 1-800-842-1902 (860) 240-0206 - fax mary.fritz@po.state.ct.us	
Party (granted 11/20/03)	Town of Woodbridge	David A. Ball, Esq. Cohen and Wolf, P.C. 1115 Broad Street Bridgeport, CT 06604 (203) 337-4134 (203) 576-8504 fax dball@cohenandwolf.com
Party (granted 11/20/03)	City of Meriden	Deborah L. Moore, Esq. Legal Department City Hall 142 East Main Street Meriden, CT 06450 (203) 630-4045 (203) 630-7907 - fax dmoore@ci.meriden.ct.us
Party (granted 11/20/03)	Attorney General Richard Blumenthal	Michael C. Wertheimer Assistant Attorney General Office of the Attorney General 10 Franklin Square New Britain, CT 06051 (860) 827-2603 (860) 827-2893 michael.wertheimer@po.state.ct.us

Status Granted	Status Holder (name, address & phone number)	Representative (name, address & phone number)
Intervenor (granted 11/20/03)	Honorable Raymond Kalinowski State Representative – 100 th District P.O. Box 391 Durham, CT 06422 1(800)842-1423 860) 240-0207 - fax repkalinowski@aol.com	
Party — (granted 11/20/03)	City of Bridgeport	Melanie J. Howlett Associate City Attorney Office of the City Attorney 999 Broad Street Bridgeport, CT 06604-4328 (203) 576-7647 (203) 576-8252 – fax Howlem0@ci.bridgeport.ct.us
Party (granted 11/20/03)	Communities for Responsible Energy	Trish Bradley, President Ed Schwartz, Treasurer Comunities for Responsible Energy, Phase II 45 Ironwood Lane Durham, CT 06422 (860) 349-9137 thebradco7@aol.com
Party (granted 11/20/03)	Office of Consumer Counsel	Bruce C. Johnson Litigation Attorney Office of Consumer Counsel Ten Franklin Square New Britain, CT 06051 (860) 827-2900 (860) 827-2929 — fax bruce.johnson@po.state.ct.us

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Status Granted	Status Holder (name, address & phone number)	Representative
Intervenor (granted 11/20/03	Honorable Themis Klarides State Representative – 114th District 23 East Court Derby, CT 06418 (203) 735-5911 1-800-842-1423 (860) 240-0207 - fax Themis.klarides@housegop.state.ct.us	(name, address & phone number)
Party (granted 11/20/03)	The Woodlands Coalition for Responsible Energy, Inc.	Lawrence J. Golden, Esq. Pullman & Comley, LLC 90 State House Square Hartford, CT 06103-3702 (860) 424-4346 (860) 424-4370 lgolden@pullcom.com Ruthann@woodlandscoalition.com
Intervenor (granted 12/9/03)	ISO New England Inc.	Anthony M. Macleod, Esq. Whitman Breed Abbott & Morgan LLC 100 Field Point Road Greenwich, CT 06830 (203) 869-3800 (203) 869-1951 — fax amacleod@wbamct.com
Party (granted 12/9/03)	Department of Transportation	Charles H. Walsh Assistant Attorney General Juris. No. 402623 55 Elm St., P.O. Box 120 Hartford, CT 06141-0120 (860) 808-5090 (860) 808-5384 fax charles.walsh@po.state.ct.us Arthur.gruhn@po.state.ct.us

	Status Holder	Representative
Status Granted	(name, address & phone number)	(name, address & phone number)
Intervenor (granted 12/9/03)	Honorable John E. Stripp State Representative – 135th District 4 Scatacook Trail Weston, CT 06883 1(800)842-1423 (860)240-0207 – fax john.stripp@housegop.state.ct.us ~STATUS WITHDRAWN 01/04~	
Party (granted 12/9/03)	Town of Fairfield	Honorable Kenneth A. Flatto First Selectman Independence Hall 725 Old Post Road Fairfield, CT 06824 (203) 256-3030 (203) 256-3008 – fax firstselectmanffld@town.fairfield.ct.us ekennelly@town.fairfield.ct.us
Party (granted 12/9/03)	PSEG Power Connecticut LLC	David A. Reif Jane K. Warren Joel B. Casey McCarter & English, LLP CityPlace I Hartford, CT 06103 (860) 275-6700 (860) 724-3397 — fax dreif@mccarter.com jwarren@mccarter.com jcasey@mccarter.com h.borden@pseg.com
Party (granted 12/22/03)	Town of Wilton	Monte E. Frank, Esq. Cohen and Wolf, P.C. 158 Deer Hill Avenue Danbury, CT 06810 (203) 368-0211 (203) 576-8504 fax mfrank@cohenandwolf.com

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Status Granted	Status Holder (name, address & phone number)	Representative (name, address & phone number)
Party (granted 12/22/03)	Town of Weston	David A. Ball, Esq. Cohen and Wolf, P.C. 1115 Broad Street Bridgeport, CT 06604 (203) 337-4134 (203) 576-8504 fax dball@cohenandwolf.com
Party (granted 12/22/03)	South Central Connecticut Water Authority	Andrew W. Lord, Esq. Murtha Cullina LLP CityPlace I, 29th Floor 185 Asylum Street Hartford, CT 06103-3469 (860) 240-6180 (860) 240-6150 alord@murthalaw.com
Party (granted 12/22/03)	Town of Orange	Brian M. Stone,Esq. Sousa, Stone & D'Agosto, LLC 375 Bridgeport Avenue Shelton, CT 06484 (203) 929-8283 (203) 548-0006 brianstone@snet.net Mitchgoldblatt@aol.com
Intervenor (granted 01/12/04)	Connecticut Business & Industry Association (CBIA)	Robert E. Earley Connecticut Business & Industry Assoc. 350 Church Street Hartford, CT 06103-1106 (860) 244-1900 (860) 278-8562 fax earleyr@cbia.com

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Status Granted	Status Holder (name, address & phone number)	Representative (name, address & phone number)
Party (granted 01/12/04)	Town of Cheshire	Richard J. Buturla, Esq. Town Attorney Berchem, Moses & Devlin, PC 75 Broad Street Milford, CT 06460 (203) 783-1200 (203) 878-4912 fax rbuturla@bmdlaw.com mmilone@cheshirect.org
Party (granted 1/12/04)	Town of Hamden	Joaquina Borges King Assistant Town Attorney Hamden Government Center 2750 Dixwell Avenue Hamden, CT 06518 (203) 287-7050 (-7053) (203) 287-7051 fax jborgesking@hamden.com jgruen@hamden.com
Party (approved 2/3/04)	City of Middletown	Timothy P. Lynch Deputy City Attorney City Attorney's Office 245 deKoven Drive, P.O. Box 1300 Middletown, CT 06457-1300 (860) 344-3422 (860) 344-3521 timothy.lynch@cityofmiddletown.com
Party (approved 2/3/04)	Town of Bethany	Honorable Derrylyn Gorski First Selectman Bethany Town Hall 40 Peck Road Bethany, CT 06524-3378 (203) 393-2100 ext. 100 DGorski@Bethany-CT.com Kevin195774@yahoo.com

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Status Granted	Status Holder (name, address & phone number)	Representative (name, address & phone number)
Party (approved 2/3/04)	Town of Easton	William J. Kupinse, Jr. First Selectman Easton Town Hall 225 Center Road, P.O. Box 61 Easton, CT 06612 (203) 268-6291 (203) 268-4928 fax w kupinse@eastonct.org
Intervenor (approved 2/18/04	Honorable William A. Aniskovich State Senate – 12 th District 15 Grove Avenue Branford, CT 06405 (860) 240-0596 William.A.Aniskovich@po.state.ct.us	
Party (approved 2/18/04)	Town of North Haven	David J. Monz Updike, Kelly & Spellacy, P.C. One Century Tower 265 Church Street New Haven, CT 06510 (203) 786-8303 (203) 772-2037 fax dmonz@uks.com
Party (approved 3/17/04)	Woodbridge Jewish Organizations (Ezra Academy, B'Nai Jacob, the Jewish Community Center of Greater New Haven, the Jewish Federation of Greater New Haven, and the Department of Jewish Education).	David R. Schaefer, Esq. Brenner Saltzman & Wallman, LLP 271 Whitney Avenue New Haven, CT 06511 (203) 772-2600 (203) 562-2098 fax dschaefer@bswlaw.com

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	Status Holder	Representative
Status Granted	(name, address & phone number)	(name, address & phone number)
Intervenor (approved 3/17/04)	Senator Joseph J. Crisco, Jr. 17 th District State Capitol Hartford, CT 06106-1591 (860) 240-0189 (860) 240-0027 - fax Crisco@senatedems.state.ct.us	
Intervenor (approved 3/23/04)	First District Water Department	Franco Chieffalo General Supervisor First District Water Department P.O. Box 27 Norwalk, CT 06852 (203) 847-7387 (203) 846-3482 fax fchieffalo@norwalkfdwd.org
Intervenor (approved 4/15/04)	Honorable Leonard A. Fasano State Senator – 34 th District 7 Sycamore Lane North Haven, CT 06473 Len.Fasano@po.state.ct.us	
Party (approved on 7/13/04)	City of New Haven	Elizabeth Gilson, Esq. 383 Orange Street New Haven, CT 06511 (203) 777-4050 (203) 787-3259 fax egilson@snet.net

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	Status Holder	Downstati
Status Granted	(name, address & phone number)	Representative (name, address & phone number)
	PAOAO AUMBOA)	(name, address & phone number)
Intervenor (approved 7/13/04)	Branford Conservation and Environment Commission	Karyl Lee Hall, Esq. Co-Chairman Branford Conservation & Environment Comission c/o Box 3072 Branford, CT 06405 860-262-5044 Karylleehall1@aol.com
Party (approved 07/13/04)	Town of Branford	Honorable John E. Opie, First Selectman Branford Town Hall P.O. Box 150, Town Hall Branford, CT 06405 (203) 488-8394 jopie@branford-ct.gov
Party (approved as intervenor on 08/26/04- changed on 01/19/05)	Linda Wilson	Sebastian N. Giuliano, Esq. Giuliano, Rafala & Scalora P.O. Box 820 Middletown, CT 06457-0820 (860) 344-9045 (860) 344-8397 fax Robert Hoff, Esq. Reid and Riege, P.C. One Financial Plaza Hartford, CT 06103 (860) 278-1150 (860) 240-1002 RHoff@ReidandRiege.com TArmstrong@ReidandRiege.com

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LIST OF PARTIES AND INTERVENORS <u>SERVICE LIST</u>

S C	Status Holder	Representative
Status Granted	(name, address & phone number)	(name, address & phone number)
Intervenor (approved on 8/26/04)	The Honorable Kevin M. DelGobbo, Ranking Member Energy and Technology Committee Legislative Office Building, Room 3904 Hartford, CT 06106-1591 (860) 240-8700 (860) 240-0207 fax Kevin.delgobbo@housegop.state.ct.us	
Party (approved as intervenor on 12/21/04 changed on 01/19/05 to party)	Ralph E. Wilson, Allison Wilson, and the South Main Street Irrevocable Trust	Sebastian N. Giuliano, Esq. Giuliano, Rafala & Scalora P.O. Box 820 Middletown, CT 06457-0820 (860) 344-9045 (860) 344-8397 fax Robert Hoff, Esq. Reid and Riege, P.C. One Financial Plaza Hartford, CT 06103 (860) 278-1150 (860) 240-1002 RHoff@ReidandRiege.com TArmstrong@ReidandRiege.com